

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Applicants acknowledge, with appreciation, withdrawal of the Section 103 rejection based in part on the OLS reference.

Ezaki is cited as teaching that there is a space between the sliding surface and the mold cavities and, thus, space to allow the confection to expand outside the open cavity. Page 4, lines 15-20 are mentioned.

The sentence at page 4, lines 15-20 indicates that raised sliding surfaces "almost contact" the outer peripheries of the depressions. The Office points to no teaching that the confection is allowed to expand or that it is given room to expand. The Office appears to assume that there is sufficient space to expand. However, as illustrated in Fig. 1 the product appears to be present in all the spaces; it is not apparent to where it could expand. Therefore, it is respectfully requested that the basis for the rejection be clarified or that the rejection be withdrawn.

With respect to the provisional obviousness double patenting rejection, given the fact that neither case has been allowed, it is not apparent on what basis applicants would need to distinguish the present earlier filed application over the later filed application. Therefore, applicants respectfully request that consideration of the provisional rejection be deferred pending allowance of one of the applications.

In view of the foregoing, it is respectfully requested that the application, as amended,
be allowed.

Respectfully submitted,



Gerard J. McGowan, Jr.
Registration No. 29,412
Attorney for Applicant(s)

/gjm
(201) 894-2297